



Save Long Beach Island, Inc.

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Federal Court Allows Save LBI, Protect Our Coast – LINY, Save the East Coast Lawsuit Challenging Empire Wind to Proceed

Washington, D.C. – July 28, 2026 – Save Long Beach Island (Save LBI), a nonprofit, non-partisan organization dedicated to protecting our oceans from needless offshore wind project industrialization, along with other concerned parties, announced today that the United States District Court for the District of Columbia has denied efforts to dismiss Plaintiffs' challenge under the Marine Mammal Protection Act (MMPA) to federal approvals in connection with the Empire Wind offshore wind project.

In a decision issued on July 27, 2026, Judge Carl J. Nichols dismissed claims under the the National Environmental Policy Act and Outer Continental Shelf Lands Act, but rejected Empire Wind's efforts to dismiss the MMPA claim. The Court further directed the Federal Defendants and Empire Wind to respond to the Complaint by August 26, 2026, allowing the case to proceed to the merits of the surviving MMPA claim.

Critically, the Court rejected Empire Wind's arguments that Plaintiffs' claim was barred by prior litigation, allowing the MMPA claim to proceed on behalf of all Plaintiffs. As a result, the Court will now have the opportunity to review the record and importantly, whether the federal authorization of Empire Wind actually complies with the MMPA.

"Our case presents numerous key issues that no Court to date has had the opportunity to examine, including critical deficiencies in the agency's predictions of impacts to marine mammals (Take calculations)," said Dr. Bob Stern, President of Save LBI.

"We are pleased that the Court preserved what we believe is the strongest claim in this case, as the challenge presents a distinct issue that deserves adjudication on the merits," commented Thomas Stavola Jr. Esq., attorney for Plaintiffs.

The litigation challenges approvals issued for Empire Wind, an offshore wind facility proposed off the coasts of New York and New Jersey. Plaintiffs seek judicial review of the federal government's authorization under the MMPA and request that the Court hold that authorization unlawful and set it aside.

Although construction of the Empire Wind project is ongoing, the litigation remains capable of providing meaningful relief. If Plaintiffs ultimately prevail on the merits, the Court possesses broad equitable authority to determine the appropriate remedy, including vacating the challenged federal approvals supporting the surviving MMPA claim. Depending on the scope of any final judgment, such relief could significantly affect the project's ability to continue construction or commence or continue operations.

About Save Long Beach Island, Inc.

Save Long Beach Island, Inc. is a nonprofit, non-partisan organization dedicated to protecting the marine environment, coastal ecosystems, and quality of life for residents and visitors of Long Beach Island and the surrounding region. The organization advocates for science-based, balanced policies that safeguard wildlife, preserve local economies, and promote responsible stewardship of ocean resources.